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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,002	07/12/2005	Takeshi Togano	03500.018078.	6162
5514 7590 10/29/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
CHOW, YUK				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
10/29/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/542,002

Applicant(s)

TOGANO ET AL.

Examiner

YUK CHOW

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4-6 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 4-6 are objected to because of the following informalities: Terminology uses to describe claimed subject matter is not consistent. Claims 4-6 describes a reflective display apparatus, and yet they are depended on claim 15, which claims an electrophoresis display. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 4 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda (US Patent 6,239,896).**

As to **claim 15**, Ikeda discloses an electrophoresis display apparatus comprising:  
a first substrate and second substrate arranged with a predetermined gap  
in between (see Fig. 1A(3, 6));  
an insulating liquid and a plurality of charged particles enclosed in the gap  
between these substrates (Fig. 1A(1));

a first electrode placed along said first substrate over a relatively wide area of a pixel (Fig. 1A(8)); and

a second electrode (Fig. 1A(9)) having a voltage applied therebetween and said first electrode, said electrophoresis display apparatus carrying out a display by applying a voltage to these electrodes and moving said charged particles (see Col. 4 line 15-26),

wherein said charged particles are colored in a first color (Fig. 1A(2) is black),

at least a first portion of an area (see Fig. 1A, the portion under the electrode 9) of said first electrode which is capable of attracting said charged particles thereon is colored in substantially the same color as said first color (Fig. 1A(9), has same color as charged particles, see Col. 5 line 11-30), said first portion bordering on said second electrode (This portion is border to second electrode 9),

at least a second portion of the area of said first electrode except for said first portion, is colored in a second color (Fig. 1A(8), reflects white color see Col. 3 lines 45-67),

when said charged particles are placed so as to cover said first electrode, said first color is visually recognized (See Fig. 1B, only black can be seen), and

when said charged particles are attracted to said second electrode and accumulated, said second color is visually recognized (see Fig. 1A, white color can be seen).

As to **claim 4**, Ikeda discloses a reflective display apparatus according to claim 15, wherein a support member is placed between said first substrate and said second substrate so as to partition pixels of the display apparatus (see Fig. 1A(7)).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (US Patent 6,239,896) in view of Ikeda et al (US 2003/0048521).**

As to **claim 5**, Ikeda '896 discloses a reflective display apparatus according to claim 4.

However, Ikeda '896 does not teach wherein said second electrode is provided on said support member.

Ikeda '521 discloses an electrophoretic display wherein teach the second electrode is provided on support member (see Fig. 2A-2D).

It would have been obvious to one ordinary skill in the art at the time of invention was made to dispose the second electrode on the support member, because it allows the particles to be located on the surface of the wall cell, thereby improves the display contrast (see Ikeda '521 Abstract).

As to **claim 6**, Ikeda discloses a reflective display apparatus according to claim 4, wherein said second electrode is placed between said support member and said second substrate (see Ikeda '521 Fig. 2A-2D).

***Response to Amendment***

Applicant's arguments filed 06/30/2008 have been fully considered but they are not persuasive.

Regarding claim 15, applicant argues that Ikeda '896 does not teach or suggest having a first portion of an area of first electrode capable of attracting the charged particles colored in substantially the same color as first color of the charged particles, and having a second portion of the area of first electrode except for the first portion being a second color.

However, examiner respectfully disagrees, according to Fig. 1A of Ikeda '896, a first portion of an area of first electrode 8 is an area under second electrode 9. And it is capable of attracting the charged particles colored in same color of charged particles, black.

The second portion of the area of first electrode except the for the first portion, which is the area without being covered by second electrode 9, and the second electrode having a second color, white.

Applicant also states that second electrode and the charged particles are the same color in Ikeda '896, in fact, this is true.

However, the same coloring scenario could be also found in applicant's current application (see [0060]-[0062]).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUK CHOW whose telephone number is (571)270-1544. The examiner can normally be reached on 8-6 M-TH E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. C./

Examiner, Art Unit 2629

/Amare Mengistu/

Supervisory Patent Examiner, Art Unit 2629